

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

MICHAEL HOLTSINGER,

Plaintiff,

vs.

No. CIV S-03-0732 MCE CMK P

J. M. BRIDDLE, et al.,

Defendants.

ORDER

Plaintiff, a state prisoner who is represented by retained counsel, is proceeding with the court: (1) A Substitution of Counsel; (2) Motion for Extension of Time; (3) extension of Time to Serve Defendants Knight and Nolan; (4) Request for an Entry of Defendant Tanya Knight; and (5) Motion for Judgement against Defendant Knight. (8.)

From plaintiff's filings it is clear that his attorney seeks to withdraw from the case. Plaintiff has filed a substitution of counsel document for his signature. It is equally apparent that plaintiff is unhappy with his attorney's decision. In any case, no proper motion for

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1 substitution of attorney has been filed¹, and, as such, plaintiff is still represented by counsel in this
2 matter.² Accordingly, plaintiff should not be filing documents with the court pro se.

3 The court will deny the following motions without prejudice to renewal after
4 plaintiff or his attorney of record has submitted a proper request for substitution of counsel:
5 Motion for Extension of Time; Request for Extension of Time to Serve Defendants Knight and
6 Nolan; Request for an Entry of Default on Defendant Tanya Knight; and Motion for Judgement
7 against Defendant Knight.

8 IT IS ORDERED that:

9 1. The following motions/requests are denied without prejudice to renewal after
10 plaintiff and/or his attorney of record submit a proper motion for substitution of counsel: Motion
11 for Extension of Time (doc. 165); Request for Extension of Time to Serve Defendants Knight and
12 Nolan(doc 166);Request for an Entry of Default on Defendant Tanya Knight (doc. 167); and
13 Motion for Judgement against Defendant Knight (doc. 168).

14 2. The Clerk of the Court is directed to serve a copy of this order on plaintiff at the
15 following address:

16 Michael Holtsinger, J62569
17 P.O. Box 8457
18 Lancaster, CA 93539

19 DATED: January 24, 2007.

20 
21 CRAIG M. KELLISON
22 UNITED STATES MAGISTRATE JUDGE

23 ¹If plaintiff signed and submitted a copy of the "Substitution of Counsel" which he
24 submitted with his "Substitution of Counsel" notice, this would be considered a proper
25 substitution of counsel. However, by submitting such, plaintiff would be agreeing to substitute
himself as counsel in this matter.

26 ²The court notes that this is the case at the present time. This is in no way a reflection of
how the court would approach a proper motion for substitution of counsel.